

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 21-11709-J

In re: L. LIN WOOD,

Petitioner.

On Petition for Writ of Mandamus from the United States District Court for the
Northern District of Georgia

Before: GRANT and LAGOA, Circuit Judges.

BY THE COURT:

Before the Court is Petitioner L. Lin Wood Jr.'s petition for a writ of mandamus or prohibition, which asks this Court to issue (a) "a writ of mandamus or prohibition to set aside the May 10, 2021 Order denying judicial disqualification and restraining the Honorable Timothy C. Batten, Jr., United States District Court Judge for the Northern District of Georgia, from proceeding any further in the matter of *L. Lin Wood, Jr. v. Paula J. Frederick, et al.*, Case No. 1:21-cv-1169-TCB;" and (b) "an order re-assigning this case to another district court judge."

We ordinarily review a district court judge's decision not to recuse for abuse of discretion. *In re Moody*, 755 F.3d 891, 898 (11th Cir. 2014). Because the petitioner seeks a writ of mandamus, however, our review of the district court judge's failure to recuse is even more stringent. *Id.* After careful review of the record, the petitioner's petition for a writ of mandamus is DENIED because the petitioner has not shown that "no other adequate means are available to remedy a clear usurpation of power or abuse of discretion by the district court," *Carpenter v. Mohawk Industries*,

Inc., 541 F.3d 1048, 1055 (11th Cir. 2008) (*quoting In re Loudermilch*, 158 F.3d 1143, 1144 (11th Cir. 1998)), and because petitioner otherwise has not shown that its right to this “drastic remedy” is “clear and indisputable,” *Jackson v. Motel 6 Multipurpose, Inc.*, 130 F.3d 999, 1004 (11th Cir. 1997).

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

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Appeal Number: 21-11709-J
Case Style: In re: L. Lin Wood
District Court Docket No: 1:21-cv-01169-TCB

The enclosed order has been entered. No further action will be taken in this matter.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Davina C Burney-Smith, J
Phone #: (404) 335-6183

Enclosure(s)

DIS-4 Multi-purpose dismissal letter